

MINUTES
HOUSE AGRICULTURAL AFFAIRS COMMITTEE

DATE: Tuesday, February 04, 2020

TIME: 1:30 P.M.

PLACE: Room EW42

MEMBERS: Chairman Boyle, Vice Chairman Troy, Representatives Kerby, Stevenson, Zito, Andrus, Giddings, Goesling, Marshall, Nichols, Raymond, Kiska, Toone, Abernathy, McCrostie

**ABSENT/
EXCUSED:** None

GUESTS: Clayton Seamons, Red Baron AG; George Parker, Crop Jet Aviation; Katie Bane, Idaho Ag Aviation Association; Leif Isaacson, Desert Air Ag Inc; Brandon Visser, Visser Ag Inc; Frankie Amen, Franicks Arrial Application; Mike Jurak, Red Baron Ag; Randy Quigley, IAAA; Laura Johnson, ISDA; Davaid Lehman, Primus Policy Group; Vic Mason, ISDA; Marv Patten, MPI

Chairman Boyle called the meeting to order at 1:33 p.m.

MOTION: **Rep. Toone** made a motion to approve the minutes of Tuesday, January 28 and Thursday, January 30, 2020. **Motion carried by voice vote.**

**DOCKET NO.
02-0303-1901:** **Victor Mason**, Administrator for Agricultural Resources, explained this is a fee rule but no fees were added or increased as a result of the reauthorization. He added the department invited public comment but no written comments were received. He said this rule proposes a standard necessary to protect human health and the environment. He said there were several sections identified broader in scope or more stringent than federal regulations or regulates an area not regulated by the federal government. He stated as a result of the Red Tape Reduction Act, 1755 words were eliminated of which 48 were restrictive.

MOTION: **Rep. Goesling** made a motion to approve **Docket No. 02-0303-1901.**

David Lehman, Primus Policy Group, explained he is representing the Idaho Agriculture Aviation Association. He stated one area of concern is the low flying prohibition, in that the state regulation is more restrictive than the federal regulation and it has become an increasing concern as the state becomes more urbanized.

George Parker, Crop Jet Aviation, spoke to the differences between the federal regulations and the state regulations in section 310. He expressed the inconsistency of expectation in notifying all structures in the vicinity of flight application compared to the expectations of the federal regulations.

In response to committee members concern about the restrictions of Idaho rules, **Brian Oakey**, Deputy Director ISDA, stated this rule, which was put in place in 1997, was most likely a collaboration of advisors in the industry who were given the opportunity to decide what they'd like to see on this particular issue in the Idaho rules. He said each year the opportunity is there to come during the rule making process to suggest needed changes. He explained this year was more difficult because of the Omnibus rule making process.

David Lehman, stated because the FAA is already enforcing the regulations, the Idaho rule is a secondary enforcement. He said they are asking to remove the rule requiring action on behalf of the department to enforce rules that are already being enforced at the federal level.

Brian Oakey, in response to a committee question, explained historically, public notification prior to spraying served as a sufficient means of notification throughout the season. He went on to say the department's authority to regulate pesticides is not only in the application, but also in the transportation of pesticides throughout the state of Idaho.

David Lehman, explained wind velocity and hazardous area restrictions are similar and are regulated by the federal government through the use of the EPA label on the chemicals. He said the label is law and is based on the most current restrictions available at the federal level whereas the Idaho rule has not been updated in over 20 years. He said this matters because the technology and the application processes have changed dramatically over this same period of time.

In response to a committee question, **Mr. Lehmen** said the ISDA has primacy on regulating these issues so they have authority to regulate based on EPA standards which are updated on a per label bases or anytime the product is changed.

In closing, **Brian Oakey**, clarified the position of the ISDA department when it comes to changing statute, the legislature is the policy maker who makes those changes. He said concerning rules, the ISDA looks to the experts in the field through negotiated rule making to update rules, seeing ISDA's role as a type of referee.

**MOTION
WITHDRAWN:**

Rep. Goesling withdrew his motion to approve **Docket No. 02-0303-1901**.

MOTION:

Rep. Andrus made a motion to approve **Docket No. 02-0303-1901** with the exception of sections **310, 320, 550 sub section 03 and 600**. **Motion carried by voice vote.**

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 2:54 p.m.

Representative Boyle
Chair

Joan Majors
Secretary